



W.P.(MD)No.25411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.25411 of 2024

and

WMP(MD).Nos.21564 & 21566 of 2024

The Correspondent,
St. Joseph's College Higher Secondary School,
Near Chatram Bus Stand,
Trichy District-620 002.

...Petitioner

Vs

1.The State of TamilNadu
represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Director of School Education,
College Road, Chennai-600 006.

3. The Chief Educational Officer,
Trichy, Trichy District.

4. The District Educational Officer,
Trichy, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certioarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent/CEO in Oo.Mu.No.02082/A4/2023 dated 31.05.2023



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and the consequential proceedings of the 4th respondent DEO in Na.Ka.No.1392/Aa3/20203 dated --.05.2023 and quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of G.Xavier as BT Assistant (History) in the petitioner's school w.e.f. 03.10.2019 and disburse the grant-in-aid towards his salary and allowances with all attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for
M/s.Isaac Chambers

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings issued by the 3rd respondent/CEO in in Oo.Mu.No.02082/A4/2023 dated 31.05.2023 and the consequential proceedings of the 4th respondent DEO in Na.Ka.No.1392/Aa3/20203 dated --.05.2023 and seeking consequential direction to the 3rd and 4th respondents to approve forthwith the appointment of G.Xavier as BT Assistant (History) in the petitioner's school w.e.f. 03.10.2019 and disburse the grant-in-aid towards his salary and allowances with all attendant benefits.



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2. The learned Counsel appearing for the petitioner would submit that the petitioner is a recognized religious minority institution. He would further submit that a vacancy had arisen in a sanctioned post due to the retirement of the then incumbent in the post of the BT Assistant (History). Such vacancy had arisen on 01.06.2019 which had led to the appointment of G.Xavier, BT Assistant (History) with effect from 03.10.2019. A proposal was submitted to the third respondent through the fourth respondent for approval of the appointment so made. He would submit that the same was returned on 21.11.2019 with a direction to produce the certificate indicating that there was no surplus teacher in the BT Assistant (History) and to produce the teacher eligibility test certificate of the appointed teacher.

3. I have carefully considered the submissions made by the learned Counsels appearing on either side and perused the material available on record.



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4. This court had already dealt with the similar issue in W.P.(MD).No.25712 of 2024 dated 14.10.2025. The only distinction in the present case is that the person who had been appointed as BT Assistant (History) did not possess the qualification of TET. In respect of the teachers who do not possess the TET and who are appointed before 13.01.2023 had been appointed as a teacher prior to the said cut off date. In view of the same, this Court already dealt with in W.P.(MD).No.4209 of 2025 dated 11.09.2025 and W.P.(MD).No.25712 of 2024 dated 14.10.2025. This Court is of the view that the said order would also be applicable to the present facts of the case. It is further to be noted that there is no dispute that there is no surplus in the school or any other school within the corporate management of which the petitioner's school belongs.

5. In such view of the matter, the writ petition stands disposed of with the following directions:

“a) The respondents shall grant inprinciple approval of the proposal sent by the petitioner for the appointment of the BT Assistant (History) namely G.Xavier



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b) Such approval shall be subject to the orders to be made by the

Hon'ble Apex Court.

c) On grant of approval, the petitioner would be entitled for the sanctioned salary from the date of this order and if the qualification is held into favour of the petitioner by the Hon'ble Apex Court, then the approval should revert back to the date of appointment of the said BT Assistant teacher and the arrears of salary from the date of appointment till the date of this order shall be paid by the respondents, within a period of four (4) weeks of the order passed by the Hon'ble Apex Court.”

6. With the above directions, the writ petition stands disposed of, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

14.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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K.KUMARESH BABU, J.

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To:

1. The Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Trichy, Trichy District.
4. The District Educational Officer,
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